

# ABRAMS FENSTERMAN

Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP

Attorneys at Law  
www.abramslaw.com

160 Linden Oaks  
Rochester, New York 14625  
Phone: 585-218-9999  
Fax: 585-218-0562  
FAX NOT FOR LEGAL SERVICE

FIRM OFFICES

Brooklyn  
Lake Success  
New York

December 7, 2021

Hon. Mark W. Pedersen  
United States Magistrate Judge  
Western District of New York  
100 State Street  
Rochester, New York 14614

**Re: Donoghue v. Nostro, et al.**  
**Docket No.: 20-cv-6100-EAW/MJP**

Dear Judge Pedersen:

On November 19, 2021, the plaintiffs in the above matter filed a motion to compel discovery from the Defendant, Everett Financial, Inc., d/b/a Supreme Lending. On or about November 24, 2021, Supreme provided some documents marked as "confidential". Then on Friday, December 3<sup>rd</sup>, after 5:00pm, Supreme provided its responses to Plaintiff's first set of Interrogatories and Request for Production of Documents. Documents bates number 0000001 through 0001288 were also provided but designated as confidential.

On or about December 6, 2021, Plaintiffs served a deficiency notice on Supreme's counsel, as well as one relating to discovery which has been provided by the individual Defendants on or about November 4, 2021.

Since the circumstances have changed and some documents have been provided, we respectfully request that the Court permit us to withdraw the motion to compel, without prejudice to refiling in the event that the Defendants fail to cure the deficiencies contained in their responses to the discovery requests.

Thank you for your courtesy and cooperation.

Respectfully Submitted,

  
Sharon P. Stiller

SPS/gmc

C: Steven E. Cole, Esq. (via: CM/ECF)  
Jeremy M. Sher, Esq. (via: CM/ECF)  
Jeffrey J. Calabrese, Esq. (via: CM/ECF)  
Anna S.M. McCarthy, Esq. (via: CM/ECF)